

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6249 for Final Plat Application No. PLT08-0014		Date: July 14, 2009
Department: Planning, Building and Community	Attachments: Ordinance No. 6249 and See Exhibit list below	Budget Impact: N/A
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6249.		
Background Summary: <p>Charter Homes, applicant, made application to King County in December 2008 for the Final Plat of "Sterling Court" (County file no. L08FR043). The City of Auburn has assigned this project a file no. of PLT08-0014 for record keeping purposes. Sterling Court received preliminary plat approval from King County for the subdivision of a 2.26 acre site into 8 single-family lots (County file no. L03P0021). The subdivision request also includes Tract A for ingress/egress and utility easement, Tract B for storm drainage, and Tract C for recreation. The property is located at 12115 SE 304th Street within the portion of Lea Hill annexed January 1, 2008 (King County parcel number: 0921059089).</p> <p>The King County Hearing Examiner approved the preliminary plat on June 21, 2004. The plat has been developed in accordance with King County R-4 (four du/acre) zoning standards. The City of Auburn is the water and sewer provider and the project is subject to an annexation-utility agreement approved by the City Council by Ordinance No. 5780.</p> <p>In accordance with Resolution No. 4113, Exhibit B of the interlocal agreement between the City of Auburn and King County with regard to final plat applications, states that King County staff will review the application and the City of Auburn is the decision maker, further detailed by the following:</p> <p>L0720-1 O3.5 PLT08-0014</p>		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing ____/____/____ Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		
Councilmember: Norman		Staff: Baker
Meeting Date: July 20, 2009		Item Number: VIII.A.3

"2.5 For those subdivisions and short subdivisions that have been granted preliminary approval prior to incorporation or annexation or under Section 2.4, the County shall continue its review through engineering plan approval, final plat or short plat approval, and construction inspection approval phases. For each of these post-preliminary review phases, the County shall prepare a recommendation for the City's designated decision maker. All final decisions on any of the post-preliminary review phases shall be rendered by the City. At the request of the City, County staff shall appear before the City Council to discuss analysis set forth in the County's final plat approval recommendation."

The final plat application for Bristol Knoll is vested to and therefore required to meet King County standards. King County staff has notified the City of Auburn that the final plat of Bristol Knoll has met all applicable regulations and conditions of approval and recommends the final plat be approved and signed by the City. Ordinance No. 6248 approves the final plat of Bristol Knoll.

Attached are the following Exhibits:

- Exhibit 1 - Office of the Hearing Examiner King County, WA report and decision (approving the preliminary plat), dated June 21, 2004
- Exhibit 2 - Final Plat Map (3 sheets)

ORDINANCE NO. 6 2 4 9

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, APPROVING
THE FINAL PLAT OF STERLING COURT**

WHEREAS, the Plat of Sterling Court, Application No. PLT08-0014, was filed with King County, Washington, while it was unincorporated territory in the County, prior to the premise being annexed into the City of Auburn; and

WHEREAS, the premises of the Plat of Sterling Court was annexed into the City of Auburn, effective January 1, 2008; and

WHEREAS, in connection with the annexation, the City and King County entered into an Interlocal Agreement whereby the two jurisdictions identified a cooperative process for handling pending plat activity; and

WHEREAS, in accordance with that cooperative process, the City of Auburn received a recommendation of approval from King County on the final plat application for the Plat of Sterling Court, Application No. PLT08-0014, the final approval of which is appropriate for City Council action; and

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

1. Charter Homes has requested final plat approval of Sterling Court from King County in December 2008 and all applicable conditions have been met.
2. The preliminary plat was approved by King County Hearing Examiner on June 21, 2004. The plat has been developed in accordance with the King County R-4 zoning standards.

3. The City of Auburn granted a water sewer certificate (WSC02-0001) in 2003 and all conditions associated with that development agreement have been satisfied.
4. The City of Auburn approved a facility extension agreement (FAC07-0006) for extension of city water and sewer in 2007.
5. The City of Auburn annexed the subject properties on January 1, 2008.
6. In accordance with Resolution No. 4113, Section 2.5 of Exhibit B of the interlocal agreement between the City of Auburn and King County,

“For those subdivisions and short subdivisions that have been granted preliminary approval prior to incorporation or annexation or under Section 2.4, the County shall continue its review through engineering plan approval, final plat or short plat approval, and construction inspection approval phases. For each of these post-preliminary review phases, the County shall prepare a recommendation for the City’s designated decision maker. All final decisions on any of the post-preliminary review phases shall be rendered by the City. At the request of the City, County staff shall appear before the City Council to discuss analysis set forth in the County’s final plat approval recommendation.”

7. The Final Plat application for Sterling Court is vested to and therefore required to meet King County standards.
8. King County staff has notified the City of Auburn that the final plat of Sterling Court has met all applicable regulations and conditions of approval and recommends the final plat be approved and signed by the City.

CONCLUSIONS OF LAW

1. The Final Plat is in compliance and in conformity with applicable King County Zoning and Land Division Ordinances and other applicable land use controls.
2. It is appropriate that the Final Plat be approved.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHINGTON,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval. Sterling Court, a subdivision involving property located within the City of Auburn, Washington, which plat is legally described on Sheet 3 of the Final Plat and as set forth below:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 9, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING
COUNTY,

EXCEPT THAT PORTION IF ANY LYING WITHIN THE WEST 330 FEET
OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 9, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING
COUNTY,

ALSO EXCEPT THE NORTH 30 FEET THEREOF FOR ROAD AS
ESTABLISHED BY KING COUNTY COMMISSIONER'S RECORDS,
BOOK 31, PAGE 429

is hereby approved, and deemed to conform to the applicable requirements for
Plat approval.

Section 2. Constitutionality or Invalidity. If any section, subsection
clause or phrase of this Ordinance is for any reason held to be invalid or
unconstitutional such invalidity or unconstitutionality shall not affect the validity or
constitutionality of the remaining portions of this Ordinance, as it is being hereby
expressly declared that this Ordinance and each section, subsection, sentence,
clause and phrase hereof would have been prepared, proposed adopted and
approved and ratified irrespective of the fact that nay one or more section,
subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of
this Ordinance as provided by law, the City Clerk of the City of Auburn shall

cause this Ordinance to be recorded in the office of the King County Records, Elections, and Licensing Services Division.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____

June 21, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

COPY

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L03P0021**
Proposed Ordinance No. **2004-0232**

DHALIWAL SUBDIVISION
Preliminary Plat Application

Location: South of the Southeast 304th Street and 121st Place Southeast Intersection

Applicant: **Daljit S. Dhaliwal**
12115 Southeast 304th Street
Auburn, Washington 98092
Telephone: (206) 271-6295

King County: Department of Development and Environmental Services, *represented by*
Trishah Bull
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6758
Facsimile: (206) 296-6644

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:
Department's Final Recommendation:
Examiner's Decision:

Approve, subject to conditions
Approve, subject to conditions
Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:
Hearing Closed:

June 17, 2004
June 17, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Daljit Dhaliwal
12115 SE 304th Street
Auburn, WA 98092
(206) 271-6925

Engineer: Cramer Northwest Inc.
945 N Central, Suite 104
Kent, WA 98032
(253) 852-4880

STR: NW-09-21-05

Location: The project is located at 12115 SE 304th Street. The site is located south of the SE 304th Street and 121st Place SE intersection.

Zoning: R-6-SO
Acreage: 2.26
Number of Lots: 8
Density: 3.54 units per acre
Lot Size: Ranges from approximately 6,150 to 12,800 square feet
Proposed Use: Single-family detached dwellings
Sewage Disposal: City of Auburn
Water Supply: City of Auburn
Fire District: King County District #44
School District: Auburn School District #408
Complete Application Date: October 17, 2003

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the June 17, 2004, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Daljit Dhaliwal has filed a preliminary plat application to subdivide 2.26 acres into 8 lots for single-family residential development. The property is located in the rapidly developing Lea Hill area east of the City of Auburn. The plat proposal envisions retaining an existing residence on proposed lot 1.
4. The plat property lies within the potential annexation area for the City of Auburn. As a condition of extending sewer and water service to the subdivision, the city has required the Applicant enter into an agreement supporting annexation and implementing city development standards. The Applicant's representative Terry Wilson at the hearing inquired as to whether county or city road

standards would apply to the plat. The Dhaliwal property is currently under King County jurisdiction, and county development standards legally apply to its present development. The relationship of the property to the City of Auburn is contractual not jurisdictional, which is not to say that the city's power to withhold utility services is not a compelling incentive to comply with its wishes. As a practical matter, while the city's road development standards may in some circumstances be more demanding than those of the county, the two sets of regulations generally will not be in direct conflict with one another. The King County Road Standards for urban residential development may be viewed as providing a baseline which may be exceeded by the Applicant in conformance with its obligations to the city.

5. As shown on the plat map, the Applicant's property also has a right-of-access to an approximately 15 foot wide gravel easement road along the property's eastern boundary. It appears that the Applicant prior to final plat approval hopes to place a house on proposed lot 5 that would have access to Southeast 304th Street via this gravel easement road. As shown on the January 28, 2004 preliminary plat map, lot 5 as currently proposed would be served only by the gravel easement road and not have direct access to the plat's internal road system. Staff condition 7 a. requires this circumstance to be corrected, specifically that all lots need to obtain access from the internal access road. The Applicant has objected to this condition. As described by staff engineer Kris Langley, the gravel easement road along the plat's eastern boundary does not meet the King County Road Standards and lacks the legally required sight distances at its intersection with Southeast 304th Street.

CONCLUSIONS:

1. KCC 21A.28.120 A requires all new development sites to be served by adequate vehicular access consisting of a public or private street that meets the King County Road Standards. Accordingly, lot 5 will need to be provided with legally adequate access to the internal plat road as required by the staff condition. While the plat property may have a legally valid current right of access to the gravel easement road, that legal right becomes subservient to the county's development regulations once the owner decides to subdivide. Had the area comprising proposed lot 5 been excluded from the plat, then it would not have become subject to county subdivision requirements for access.
2. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
3. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for of Dhaliwal, as revised and received on January 28, 2004, is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-6-SO zone classification. All lots shall meet the minimum dimensional requirements of the R-6-SO zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. The drainage detention facility shall be designed to meet at a minimum the Level 2 Flow Control and Basic Water Quality menu in the 1998 King County Surface Water Design Manual(KCSWDM). The access road to the detention facility shall be within a county owned tract or R/W per the KCSWDM.

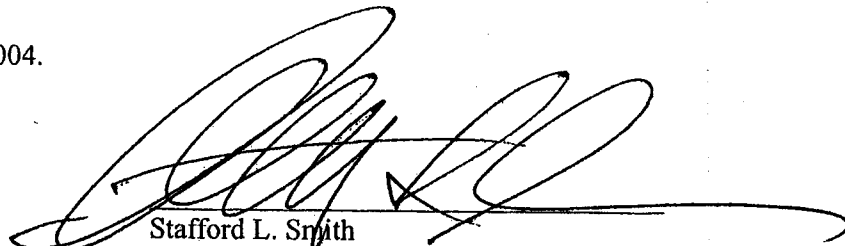
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. The internal access road shall be improved at a minimum to the urban minor access street standard. All lots shall be provided access from the internal access road.
 - b. FRONTAGE: The frontage of the site along SE 304th Street (south side only) shall be improved to the urban collector arterial standard with provisions for a bike lane.
 - c. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
 - d. Road Variance L03V0057 for intersection spacing and sight distance is approved for this site.
8. There shall be no direct vehicular access to or from SE 304th Street from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. Lots 1 - 8 shall have undivided ownership of Tract "A" and be responsible for its maintenance. Tract "A" shall be 26 feet wide and improved with a 22-foot-wide, paved surface and controlled drainage. A note to this effect shall be placed on the engineering plans and final plat.
11. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
12. The 15-foot easement for ingress, egress, and utilities (recording no. 7710250340) along the eastern plat boundary shall be placed in a separate tract.
13. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
14. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

15. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan. This plan must not conflict with the Significant Tree Inventory & Mitigation Plan.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the road, recreation, open space and/or sensitive area tract(s).
17. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 304th Street is on a bus route. If SE 304th Street is a bus route, the street tree plan shall also be reviewed by Metro.

- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
18. To implement SO-220, which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention and engineering plans shall be consistent with the requirements of SO-220. No clearing of the site is permitted until the tree retention plan is approved by DDES. Flagging and temporary fencing of trees to be retained shall be provided, consistent with SO-220. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except as may be permitted under the provisions of SO-220.

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230B6. The tree retention plan shall be included as part of the final engineering plans for the subject plat.

ORDERED this 21st day of June, 2004.



Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 21st day of June, 2004, to the parties and interested persons of record:

Mr. & Mrs. Anthony Courtney
30420 - 122nd Pl. SE
Auburn WA 98092

Cramer Northwest, Inc.
945 N. Central, Ste. 104
Kent WA 98032

Daljit S. Dhaliwal
12115 SE 304th St.
Auburn WA 98092

Mike & Debbie Pratum
30510 - 122nd Pl. SE
Auburn WA 98092

Seattle KC Health Dept.
E. Dist. Environ. Health
14350 SE Eastgate Way
Bellevue WA 98007

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Trishah Bull
DDES/CPLN
Current Planning Section
MS OAK-DE-0100

Kim Claussen
DDES/LUSD
Current Planning
MS OAK-DE-0100

Nick Gillen
DDES/LUSD
Site Development Services
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
Land Use Traffic
MS OAK-DE-0100

Carol Rogers
DDES/LUSD
MS OAK-DE-0100

Steve Townsend
DDES/LUSD
Land Use Inspections
MS OAK-DE-0100

Larry West
DDES/LUSD
Geo Review
MS OAK-DE-0100

Bruce Whittaker
DDES/LUSD
Prel. Review Engineer
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before July 5, 2004*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before July 12, 2004*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JUNE 17, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03P0021.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Bruce Whittaker and Kristen Langley, representing the Department; and Terry Cramer, representing the Applicant.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES file no. L03P0021
- Exhibit No. 2 DDES preliminary report to the Hearing Examiner for June 17, 2004
- Exhibit No. 3 Application received August 14, 2003
- Exhibit No. 4 Environmental checklist dated August 14, 2003
- Exhibit No. 5 SEPA Determination of Non-significance issued April 29, 2004
- Exhibit No. 6 Affidavit of posting indicating a posting date of October 24, 2003; received by DDES on October 27, 2003

- Exhibit No. 7 Preliminary plat map received January 28, 2004 (revised)
- Exhibit No. 8 Land use maps (2), Kroll pages 721W and 709W
- Exhibit No. 9 Assessor's maps – NW 9-21-5 and SW 4-21-5
- Exhibit No. 10 Level-1 drainage analysis by Cramer NW received January 28, 2004 (revised)
- Exhibit No. 11 Approved KCRS variance for file no. L03V0057,
- Exhibit No. 12 Conceptual drainage plan by Cramer NW, received January 28, 2004 (revised)
- Exhibit No. 13 Sight distance calculation, received October 3, 2003
- Exhibit No. 14 Offsite drainage plan

SLS:gao
L03P0021 RPT